

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 2:15-cr-00168
)	
FREDERICK H. BANKS)	Judge Mark R. Hornak
)	
Defendant.)	

MEMORANDUM ORDER

Pending before the Court is the Defendant's latest *pro se* Motion for Recusal, ECF No. 647. For the reasons which follow, the Motion is denied.

The Defendant has previously moved to recuse the Court, and on each occasion, such Motions have been denied. *See* ECF Nos. 55, 356, 507. In his latest filing, the Defendant presents two reasons for recusal.

First, he alleges that there has been and is both actual bias and an appearance of bias on the part of this member of the Court, but offers no record or other basis for such assertions. The Court harbors no actual bias for or against the Defendant, or for or against the United States, and has no basis to conclude that any reasonable observer would conclude that the Court is actually biased for or against any party in this proceeding which would create an appearance of bias.

Second, the Defendant contends that the Court must recuse itself because it denied his Motion for Bond, and his request to represent himself, allegedly in retaliation for the Defendant filing involuntary federal bankruptcy proceedings against two of the Court's former law clerks, who he alleges authored the Court's "scathing" and "libelous" Memorandum Order of December 12, 2017. *See* ECF No. 501. In such regards, the Court would note that the involved Memorandum Order was authored personally by the undersigned, and was issued about three (3) months after those law clerks ended their service with this Court. Second, the Court was not aware of those

bankruptcy filings by the Defendant until after that Memorandum Order was issued. Third, the fact that the Court referred the Defendant's filing of those involuntary federal bankruptcy petitions as against the Court's then-former law clerks to the United States Marshal for this District is not a basis for recusal, and such referral action is authorized. *See* Code of Conduct Advisory Opinion No. 103; Compendium of Selected Code of Conduct Opinions at § 1.1(d); *see also* Code of Conduct Advisory Opinion No. 66; Compendium at § 3.6-7.

The *pro se* Motion for Recusal is denied.

A handwritten signature in black ink, appearing to read 'Mark R. Hornak', written over a horizontal line.

Mark R. Hornak
United States District Judge

Dated: May 4, 2018

cc: All counsel of record